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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,781

09/29/2003

Naoto Kinjo

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EXAMINER

JERABEK, KELLY L

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

12/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/671,781

Applicant(s)

KINJO, NAOTO

Examiner

Kelly L. Jerabek

Art Unit

2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

- 1 ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

- 2 ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-13.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


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SUPERVISORY PATENT EXAMINER

Continuation of 11, does NOT place the application in condition for allowance because: 1) Applicant's arguments regarding claim 3 (After Final Amendment pages 2-3) state that Cohen fails to teach or suggest selecting the image information to be received according to unique identification information allocated to each photography device, transmitted from the image information transmission means. The Examiner respectfully disagrees. Cohen states that pictures taken by more than one image-capturing device (10) may be transferred to the DDST device (100) (page 5, paragraph 59). Additionally, Cohen states that after acquiring images in the digital camera (10) when a user wants to download digitized image data from the camera (10) to the DDST device (100), the user must establish a communications link between the camera (10) and the DDST device (100) (page 6, paragraph 65). Cohen further states that when a USB connection is used for communication a USB communications protocol or manager includes a procedure for identifying newly connected devices (10) and the USB communications protocol or manager can be used to automatically initiate a procedure to completely establish the communications link and initiate the information transfer (page 6, paragraph 65). Since the USB communications protocol includes a procedure for identifying newly connected devices it is inherent that each photography device (10) must have unique identification information and the identification information must be transmitted to the data processing device (DDST device 100) via an image information transmission means (port 120a). Therefore, it can be seen that Cohen discloses that the data processing device (DDST 100) receives image information from a plurality of photography devices (10) and further comprises received image selection means that selects the image information according to the unique identification information allocated to said each photography device (10), transmitted from the image information transmission means (port 120a) (only cameras 10 that have been identified by the USB communications protocol of the DDST device 100 and have had a communications link established with the DDST device 100 are capable of transmitting image information to the DDST device 100).

2) Applicant's arguments regarding claim 2 (After Final Amendment pages 3-4) states that the combination of the Cohen and the Park references fails to teach an image transmission means that has a function to transmit identification information in association with the acquired image information to a plurality of processing devices. Specifically, the applicant states that neither reference discloses transmitting image data and additional information to a plurality of processing devices. The Examiner respectfully disagrees. Cohen discloses a digital camera (10) that is capable of connecting to a DDST device (100) through a USB port or wirelessly through the use of Bluetooth chips. Therefore, since Cohen teaches that the camera is capable of connecting to remote devices using Bluetooth technology it is clear that the camera is capable of transferring image data to a plurality of processing devices.

3) Applicant's arguments regarding claim 2 (After Final Amendment page 4) state that the Park reference fails to teach identification information unique to a camera, that is transmitted in association with an acquired image. The Examiner maintains that the combination of the Cohen and Park references teaches all of the limitations of claim 2. Cohen provides the teaching of transmitting additional data (metadata) along with image data to remote devices (Cohen page 6, paragraph 63). The Park reference was cited to show that it is well known in the camera art to transmit information indicating an identification of a camera to a remote device. Therefore, the combination of the Cohen and Park references provides all of the limitations of claim 2.

4) Applicant's arguments (After Final Amendment pages 4-5) state that the camera disclosed by the Park reference can not act independently of other devices. However, this argument is moot because the claim does not require that the photography device must act independently from other devices. The claim only requires that the processor and the camera are remote from each other. The camera (10) and the computer (20) disclosed by Park are remote from each other. Additionally, the Examiner notes that Cohen provides the teaching of a camera that is remote from a processor and that can act independently from other devices. The Park reference is cited to show that it is well known in the camera art to transmit information indicating an identification of a camera to a remote device. Therefore, the combination of the Cohen and Park references provides all of the limitations of claim 2.

5) Applicant's arguments regarding claim 8 (Amendment page 5) states that the Dutta reference fails to cure the deficiencies of the Cohen and Park references as disclosed above. Therefore, the responses given above also apply to claim 8.

KLJ